IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8424 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

V JASHVANTLAL & CO.

Versus

AHMEDABAD MUNICIPAL CORPORATION

Appearance:

1. Special Civil Application No. 8424 of 2000

MR KG SUKHWANI for Petitioner No. 1

MR RR MARSHALL for Respondent No. 1-2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 07/09/2001

ORAL JUDGEMENT

Rule. Mr. RR Marshall waives service of notice for the respondents. The petition is taken up for final disposal today.

2 What is challenged in this petition under Article 226 of the Constitution is resolution No. 347 dated 28.12.1999 passed by the Ahmedabad Municipal Corporation for blacklisting the petitioner, who is a hardware supplier.

3. Mr RR Marshall, learned counsel appearing of the Ahmedabad Municipal Corporation states that there were cogent reasons for passing the impugned resolution. However, the learned counsel for the respondent Corporation is not in a position to dispute the assertion made on behalf of the petitioner that the petitioner was not given any opportunity of hearing before the impugned resolution was passed.

4. It is well settled that an order of blacklisting has serious civil consequences and the authorities are required to give the affected party an opportunity of being heard before passing such order of blacklisting. On this short ground alone, the petition deserves to be allowed.

5. The petition is accordingly allowed. Impugned resolution No. 347 dated 28.12.1999 passed by the Ahmedabad Municipal Corporation is hereby quashed and set aside with liberty to the respondent Corporation to issue a show cause notice to the petitioner and to give a reasonable opportunity of being heard, and thereafter to pass appropriate orders in accordance with law. It goes without saying that the petitioner shall cooperate with the authorities for expeditious disposal of the matter.

6. The petition accordingly stands disposed of. Rule is made absolute.

(M.S. Shah, J.)

sundar/-